

Appl. No. 10/792,008  
Response to Office Action mailed Feb 14, 2006

Atty Dkt. No. 113642-050

### **REMARKS**

The non-final Office Action was issued on pending claims 1-15. Claims 1-4, 6, 8, 9 and 13 stand rejected, claims 7, 10-12, 14 and 15 were objected to, and claim 5 stands withdrawn from consideration. In this Response, claims 1, 13 and 14 have been amended and no claims have been added or cancelled. Thus, claims 1-15 are pending in the application, and claims 1-4 and 6-15 are under consideration.

Applicant invites the Examiner to call Applicant's Representative to discuss any issues with this application.

### **Allowable Claims**

In paragraph 6 of the Office Action, claims 7, 10-12, 14 and 15 were objected to as being dependent upon a rejected base claim, but noted as being allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant thanks the Examiner for the notice of allowable claims.

Applicant notes claim 15 is an independent claim. Accordingly, claim 15 is allowable in its current form.

Independent claim 13 has been amended to include allowable dependent claim 14. Claim 14 has been amended and the amendment is supported by the application as filed. Referring to Fig. 1, the clamp has arms 3, 3 connected to the clamping jaws 2, 2. The arms 3, 3 are pivotally connected together at an arm pivot axis which extends vertically from the page of Fig. 1 at an articulation pin 5. The hook 6 has a pivot axis A which is not parallel to the arm pivot axis. Thus, Applicant submits claims 13 and 14 are allowable.

### **Claim Rejections – 35 USC §§ 102, 103**

In paragraph 3 of the Office Action, claims 1 and 2 were rejected under 35 U.S.C. §102(b) as being anticipated by Hersker (US 4,809,399). In paragraph 5 of the Office Action,

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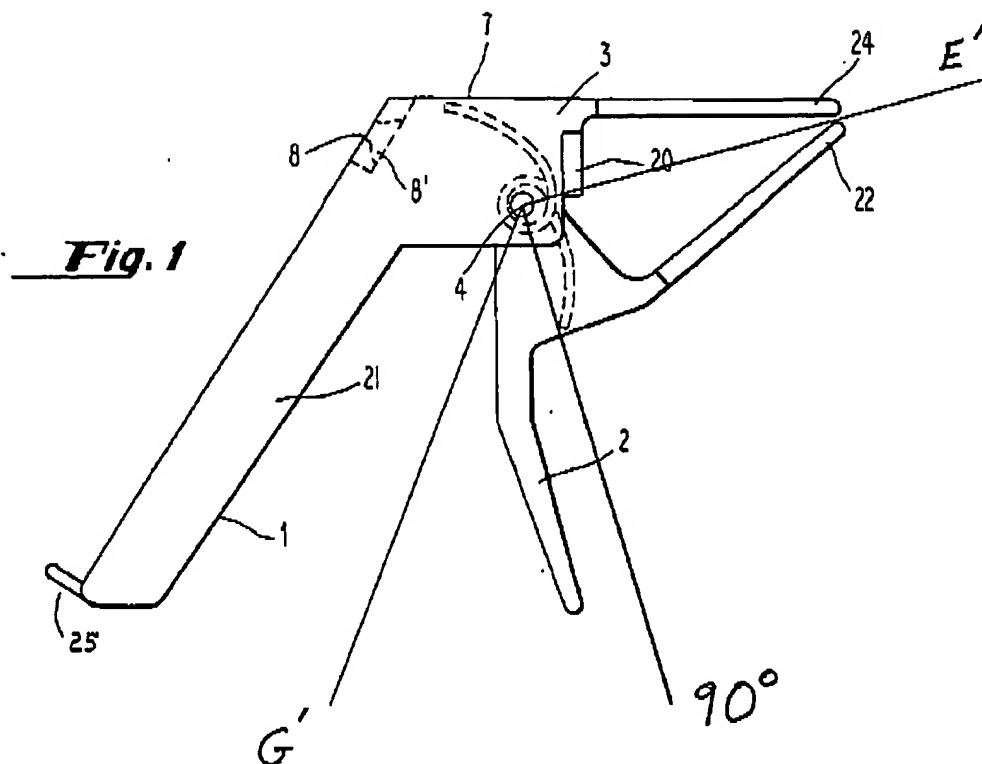
claims 3, 4, 6, 8, 9 and 13 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hersker in view of Veltz et al. (US 6,470,522). Applicant respectfully disagrees.

Claim 1 has been amended to clarify the claim. Claim 1 calls for “when the two clamping jaws are abutted together, the two clamping jaws, together with an articulation pin of the first and second arms, define a reference plane; wherein an angle bisector between the two actuating sections is inclined at substantially 90° to the reference plane.” (emphasis supplied). As shown in Fig. 1, the two clamping jaws 2 together with the articulation pin 5 define a reference plane E. An angle bisector between the two actuating sections 4 is labeled G. The angle bisector G is inclined at substantially 90° to the reference plane E.

Applicant submits use of the term “substantially 90°” is not so overly broad so as to read on Hersker. “Substantially 90°” means that the angle bisector between the two actuating sections (see Applicant’s angle bisector G, for example) is basically inclined 90° to the reference plane (see Applicant’s reference plane E, for example), but allows for some variation in the angle of inclination. That is, the angle of inclination covered by the claim need not be exactly 90°, although the angle of inclination is substantially 90°. Hersker does not have Applicant’s claimed angle of substantially 90°. Fig. 1 of Hersker is reproduced below with a corresponding reference plane E’ and angle bisector G’ added to the figure. Clearly, the corresponding reference plane E’ and angle bisector G’ of Hersker are not at substantially 90° to each other. Another line (labeled 90°) has also been added to the Fig. 1 of Hersker below which is substantially 90° to the corresponding reference plane E’. The 90° line added to Hersker Fig. 1 below is not even between the handles 1, 2, let alone bisecting the angle between the handles 1, 2. The 90° line added the Hersker Fig. 1 below further emphasizes that the Hersker corresponding angle bisector G’ is not inclined at substantially 90° to the corresponding reference plane E’.

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Thus, Applicant submits claim 1 is allowable over Hersker. Claim 2 is also allowable at least for the same reasons claim 1 is allowable.

Turning to Veltz et al., Applicant believes Veltz et al. does not have a hook pivotally mounted to an actuating section. However, independent claim 13 has been amended to include allowable dependent claim 14. Therefore independent claim 13 is allowable.

The dependent claims are allowable at least for the reasons that their respective independent claims are allowable.

Thus, Applicant submits that the §102 and §103 rejections should be withdrawn.

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**CONCLUSION**

For the foregoing reasons, Applicant submits that the patent application is in condition for allowance and requests a Notice of Allowance be issued.

Respectfully submitted,  
EVEREST INTELLECTUAL PROPERTY LAW GROUP

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BY



Michael S. Leonard, Reg. No. 37,557  
P.O. Box 708  
Northbrook, IL 60065  
Phone: (847) 272-3400